

JAN 26 2001

DNK-1999-083-PA:DAC:114226

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in this Submission		Application Number	09/694,521
		Filing Date	October 23, 2000
		First Named Inventor	George Frey
		Group Art Unit	3731
		Examiner Name	

Attorney Docket Number

4002-2512

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> X Return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> X Dec. and Power of Attorney
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> X Response to Missing Parts Cover Ltr.
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Douglas A. Collier WOODARD EMHARDT NAUGHTON MORIARTY & MCNETT
Signature	<i>Douglas A. Collier #43,556</i>
Date	Jan. 23, 2001

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231 on this date: January 23, 2001

Typed or printed name	Douglas A. Collier	Date	JAN. 23, 2001
Signature	<i>Douglas A. Collier</i>		

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FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Total Amount of Payment (\$170)

Attorney Docket Number 4002-2512

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

23-3030

Deposit Account Number
Deposit Account Name
Woodard, Emhardt, Naughton, Mollarty &
McNutt Charge any Additional Fee Required
Under 37 CFR 1.16 and 1.17 Applicant claims small entity status.
See 37 CFR 1.27.2. Payment Enclosed: Check Credit Card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility Filing Fee	
106	320	206	160	Design Filing Fee	
107	490	207	245	Plant Filing Fee	
108	710	208	355	Reissue Filing Fee	
114	150	214	75	Provisional Filing Fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES

Total Claims	-20** =	Extra Claims	Fee From Below	Fee Paid
Independent Claims	-3** =			
Multiple Dependent				

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)				

**or number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number	09/694,521
Filing Date	October 23, 2000
First Named Inventor	George Frey
Group Art Unit	3731
Examiner Name	

FEE CALCULATION (continued)					
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other Fee (specify)					
* Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 170)

SUBMITTED BY	Complete if applicable		
Name (Print/Type)	Douglas A. Collier	Registration No. (Attorney/Agent)	Telephone
Signature	Douglas A. Collier	43,556	(317) 634-3456

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 202031.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent
application of:

George Frey et al.

Serial No. 09/694,521

Filed: October 23, 2000

DEVICES AND TECHNIQUES FOR A
POSTERIOR LATERAL DISC SPACE
APPROACHA



) Before the Examiner

) Group Art Unit 3731

) January 23, 2001

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application—Filing Date Granted of October 23, 2000, please file the following executed documents:

- (1) Declaration for Utility or Design Patent Application;
- (2) Assignment, Recordation Cover Sheet, and Assignment Fee of \$40.00
- (3) Copy of the Notice To File Missing Parts , Filed under 37 CFR 1.53(d), Filing date granted; and
- (4) Check for the surcharge of \$130.00.

It is believed the application is now in condition for examination and such action
is respectfully requested.

Respectfully submitted

By: _____

Douglas A. Collier
Reg. No. 43,556
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

I hereby certify that this correspondence is being
deposited with the United States Postal Service
as first class mail in an envelope addressed to the
Assistant Commissioner for Patents, Washington,
D.C. 20231 on January 23, 2001.

Douglas A. Collier
Name of Registered Representative

Douglas A. Collier
Signature

Jan. 23, 2001
Date of Signature

*SECRET**#3*

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/694,521	10/23/2000	George Frey	4002-2512

FORMALITIES LETTER

Douglas A. Collier
 Woodard, Emhardt, Naughton, Moriarty and McNett
 Bank One Center/Tower
 111 Monument Circle, Suite 3700
 Indianapolis, IN 46204-5137



OC000000005617586

Date Mailed: 12/13/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/30/2001 AGOITOM 00000031 09694521

01 FEB 2005

130.00 OP